BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 2110
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

Via Overnight Mail

January 28, 2004

Thomas M. Dorman, Esq. Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, Kentucky 40602 120 2 2001 120 2 2001

Re: <u>Case No. 2003-00165</u>

Dear Mr. Dorman:

Please find enclosed the original and twelve (12) copies of the Notice of Correction of the Main Brief of Kentucky Industrial Utility Customers, Inc. filed in the above-referenced matter.

By copy of this letter, all parties listed on the attached Certificate of Service have been served. Please place these documents of file.

Very Truly Yours,

Michael L. Kurtz, Esq.

BOEHM, KURTZ & LOWRY

MLKkew

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by regular U.S. mail (unless otherwise noted) to all parties on this 28^{th} day of January, 2004.

Honorable Elizabeth E. Blackford Assistant Attorney General Office of the Attorney General Utility & Rate Intervention Division 1024 Capital Center Drive, Suite 200 Frankfort, KY 40601-8204

Honorable Frank N. King, Jr. Attorney at Law Dorsey, King, Gray, Norment & Hopgood 318 Second Street Henderson, KY 42420

Dean Stanley President And CEO Kenergy Corporation 3111 Fairview Drive P. O. Box 1389 Owensboro, KY 42302

Michael L. Kurtz, Esq.

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION



In The Matter Of: The Application Of Kenergy:

Corp. For A Review And Approval of Existing

: Case No. 2003-00165

Rates

NOTICE OF CORRECTION OF MAIN BRIEF OF

NOTICE OF CORRECTION OF MAIN BRIEF OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

Kentucky Industrial Utility Customers, Inc. ("KIUC") wishes to make several typographical corrections to its Main Brief, dated December 22, 2003 in the above-captioned matter. Deletions are indicated by a "strike-through" and additions are indicated in brackets.

- 1) On page 1, paragraph 1, the second sentence should read: "During the test year of Kenergy's long awaited cost of service study that separately tracks the cost of serving direct service customers, KIUC Members paid Kenergy a total of \$467,203 [\$837,700 in Distribution Fees, providing Kenergy with a total of \$467,203 in Operating Margins], despite the fact that Kenergy has no investment in meters, substations, or any other distribution facilities to serve these customers."
- 2) On page 14, the fourth sentence in the second full paragraph should read: "Accordingly, the evidence reflects that the Energy Charge to the Smelters should be reduced [to] \$0.000025 per kWh."
- 3) On page 14, the fourth sentence in the third paragraph should read: "Accordingly, the evidence reflects that the Energy Charge to the Smelters should be reduced [to] \$0.000025 per kWh."

- 4) The last sentence of Argument # 4, which is on page 15 should read: "The administrative costs incurred by Kenergy attributable to the Big Three Industrials should be collected through a Customer Charge to each of the Big Three Industrials of \$2,519 [\$2,028] per month."
- 5) On page 21, second full paragraph, 3 lines down the quantity: "\$469,320" should be changed to "496,874."

Respectfully submitted,

Michael L. Kurtz, Esq. Kurt J. Boehm, Esq.

BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 2110

Cincinnati, Ohio 45202 Ph: (513) 421-2255

Fax: (513) 421-2764

E-Mail: mkurtzlaw@aol.com

COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

January 28, 2004